

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 13, 2007

The following cases are submitted this date:

H031235 In re DELILAH R.; D.F.C.S. v. LAURA R.

H031347 In re VINCENT B.; D.F.C.S. v. DIANE B.

H030814 PEOPLE v. FERNANDEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 13, 2007

TUESDAY, AUGUST 14, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; McAdams, J.; and W. Magsaysay, Deputy Clerk.

H029909 FORTE v. O'FARRELL

Cause called and argued by Eugene Forte, appellant appearing in pro per and by Paul T. Hammerness, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and McAdams, J. leave the bench. Elia, J. and Duffy, J. join Premo, Acting P.J. on the panel.

H030998 HSR, INC., et al. v. WCAB, et al.

Cause called and argued by Sara Angelini appearing for Petitioners and by David S. Key appearing for Respondent Estuberto Mariscal. Cause ordered submitted.

Premo, J. and Elia, J. then leave the bench. Bamattre-Manoukian, Acting P.J. and McAdams, J. join Duffy, J. on the panel.

H029745 MARRIAGE OF STEVEN AND NENETTE HOFFMAN

Cause called and argued by Garrett Clark Dailey appearing for Appellant and by Stuart Fishman appearing for Respondent. Cause ordered submitted.

H029958 CENTRAL COAST BAPTIST ASSOCIATION v. FBCLL CHURCH OF LAS LOMAS, et al.

Cause called and argued by Robert K. Johnson appearing for Appellants and by Edward Smithers appearing for Respondents. Cause ordered submitted. Court adjourns.

H030835 PEOPLE v. GARCIA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 14, 2007

Sixth Appellate District

San Jose, California

Tuesday, August 14, 2007 (continued)

H031347 In re VINCENT B.; D.F.C.S. v. DIANE B.

The order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 14, 2007

H031235 In re DELILAH R., et al.; D.F.C.S. v. LAURA R.

The juvenile court's orders are affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed August 14, 2007

H031615 BUTLER v. BEMORE

By the Court:

Appellant's motion to set aside the order dismissing appeal is granted provided appellant files a notice designating reporter's and clerk's transcripts within 10 days of the date of this order. The appeal is hereby restored to active status.

Dated: August 14, 2007 Rushing, P.J.

WEDNESDAY, AUGUST 15, 2007

H029542 PEOPLE v. REYNAGA

The judgment is reversed. The matter is remanded to the trial court for a new trial. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 15, 2007

THURSDAY, AUGUST 16, 2007

H030501 PEOPLE v. RAWLS

The judgment is reversed and the matter is remanded to the superior court for proceedings consistent with this opinion. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 16, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H030143 PEOPLE v. THAING

Cause called and argued by Danalynn Pritz appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, August 16, 2007 (continued)

H029937 PEOPLE v. MONSIVIAS, et al.

Cause called and argued by Emry J. Allen appearing for Appellant Amparo and by Donna Provenzano appearing for Respondent. Cause ordered submitted.

H029368 TORRES v. AUTO CHLOR SYSTEM OF NORTHERN CALIFORNIA, INC.

Cause called and argued by Guy Wallace appearing for Appellant and by Douglas Evans Dexter appearing for Respondent. Cause ordered submitted.

H029539 TORRES v. AUTO CHLOR SYSTEM OF NORTHERN CALIFORNIA, INC.

Cause called and argued by Guy Wallace appearing for Appellant and by Douglas Evans Dexter appearing for Respondent. Cause ordered submitted. Court adjourns.

H029241 PEOPLE v. ESQUIVEL

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 16, 2007

H027969 PEOPLE v. BJORN

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)
Filed August 16, 2007

H031320 JOHNSON v. SASCO ELECTRIC, et al.

The appeal is dismissed as untimely filed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 16, 2007

H029924 FALCONE v. FYKE

The judgment of dissolution (status only) is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 16, 2007

H031287 PEOPLE v. FURULIE

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 16, 2007

Sixth Appellate District

San Jose, California

Thursday, August 16, 2007 (continued)

H027976 FIRESIDE BANK v. SUPERIOR COURT (GONZALEZ)

Let a writ issue directing the respondent court to set aside its order granting real party Sandra Gonzalez's motion for judgment on the pleadings against Petitioner Fireside Bank's complaint. No further action will be taken on that motion until such time as the class has been duly notified and the time for any opting-out has expired. The court is to wholly disregard the vacated order in any future proceedings, and will address de novo all questions going to the merits of the class claims. Each side will bear its own appellate costs. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 16, 2007

FRIDAY, AUGUST 17, 2007

H029275 PEOPLE v. DUNCAN

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 17, 2007

H030443 MERLO v. CITY OF PALO ALTO

By the Court*:

Appellant's petition for rehearing is denied.
Filed: August 17, 2007
*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

H030326 PEOPLE v. GRAHAM

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 17, 2007

H029912 PEOPLE v. GRANT

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed August 17, 2007

Sixth Appellate District

San Jose, California

Friday, August 17, 2007 (continued)

H026841 SCHMIDLIN v. CITY OF PALO ALTO, et al.

H027685 SCHMIDLIN v. CITY OF PALO ALTO, et al.

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated May 22, 2007, is hereby vacated. The court by separate letter issued August 17, 2007, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: August 17, 2007 Rushing, P.J.